

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

PAUL JOSEPH FOTHERGILL, )  
 )  
PLAINTIFF )  
 )  
v. ) CIVIL No. 2:11-cv-247-DBH  
 )  
MICHAEL J. ASTRUE, )  
COMMISSIONER OF SOCIAL SECURITY, )  
 )  
DEFENDANT )

**ORDER AFFIRMING RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE**

On March 29, 2012, the United States Magistrate Judge filed with the court, with copies to counsel, his Report and Recommended Decision. The time within which to file objections expired on April 16, 2012, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The Commissioner's decision is **VACATED** and the case is **REMANDED** for proceedings consistent with the Recommended Decision.

**So ORDERED.**

**DATED THIS 17<sup>TH</sup> DAY OF APRIL, 2012**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**